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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

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The human rights to safe drinking water and sanitation

The General Assembly,

Recalling its resolutions 64/292 of 28 July 2010, in which it recognized the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights, and 70/169 of 17 December 2015, entitled "The human rights to safe drinking water and sanitation",

Reaffirming all previous resolutions of the Human Rights Council regarding the human rights to safe drinking water and sanitation, inter alia, Council resolution 33/10 of 29 September 2016,[1]

Recalling the Universal Declaration of Human Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[3] the International Covenant on Civil and Political Rights,[3] the International Convention on the Elimination of All Forms of Racial Discrimination,[4] the Convention on the Elimination of All Forms of

[1] See *Official Records of the General Assembly, Seventy-first Session, Supplement No. 53A* and corrigendum (A/71/53/Add.1 and A/71/53/Add.1/Corr.1), chap. II.
[2] Resolution 217 A (III).
[3] See resolution 2200 A (XXI), annex.
[4] United Nations, *Treaty Series*, vol. 660, No. 9464.

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Discrimination against Women,[3] the Convention on the Rights of the Child[4] and the Convention on the Rights of Persons with Disabilities,[5]

Recalling also its resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which it adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets,

Recalling further the Rio Declaration on Environment and Development of June 1992[6] and its resolution 66/288 of 27 July 2012, entitled "The future we want", and emphasizing the critical importance of water and sanitation within the three dimensions of sustainable development,

Reaffirming its resolution 71/222 of 21 December 2016, by which it proclaimed the period 2018–2028 the International Decade for Action, "Water for Sustainable Development",

Recalling its resolution 71/256 of 23 December 2016, entitled "New Urban Agenda", adopted by the United Nations Conference on Housing and Sustainable Urban Development (Habitat III), held from 17 to 20 October 2016 in Quito, which promotes equitable and affordable access to sustainable basic physical and social infrastructure for all, without discrimination, including safe drinking water and sanitation,

Recalling also the designation, pursuant to General Assembly resolutions 47/193 of 22 December 1992 and 67/291 of 24 July 2013, of 22 March as World Water Day and 19 November as World Toilet Day, which are important opportunities to promote, among other issues, awareness of the human rights to safe drinking water and sanitation and of the remaining challenges in this regard,

Recalling further that, in its resolution 67/291, entitled "Sanitation for All", it encouraged all Member States, as well as the organizations of the United Nations system and international organizations and other stakeholders, to approach the sanitation issue in a much broader context and to encompass all its aspects, including hygiene promotion, the provision of basic sanitation services, sewerage and wastewater treatment and reuse in the context of integrated water management,

Taking note of the relevant commitments and initiatives promoting the human rights to safe drinking water and sanitation made at the 2014 high-level meeting of the Sanitation and Water for All partnership and in the Ngor Declaration on Sanitation and Hygiene, adopted at the fourth African Conference on Sanitation and Hygiene, in 2015, the Dhaka Declaration, adopted at the sixth South Asian Conference on Sanitation, in 2016, the Lima Declaration, adopted at the fourth Latin American and Caribbean Conference on Sanitation, in 2016, and the Dar es Salaam road map for achieving the Ngor commitments on water security and sanitation in Africa, adopted at the sixth Africa Water Week, in 2016, and in the call for action of the high-level symposium on the theme "Sustainable Development Goal 6 and targets: ensuring that no one is left behind in access to water and sanitation", held in Dushanbe from 9 to 11 August 2016,

Recalling general comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights on the right to water (articles 11 and 12 of the International

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[3] Ibid., vol. 1249, No. 20378.

[4] Ibid., vol. 1577, No. 27531.

[5] Ibid., vol. 2515, No. 44910.

[6] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992*, vol. I, *Resolutions Adopted by the Conference* (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex I.

Committee on Economic, Social and Cultural Rights[9] and the statement on the right to sanitation of the Committee of 19 November 2010,[10] as well as the reports of the Special Rapporteur of the Human Rights Council on the human rights to safe drinking water and sanitation,

Welcoming the work of the World Health Organization and the United Nations Children's Fund in the 2017 update published by their Joint Monitoring Programme for Water Supply and Sanitation,[11]

Welcoming also the fact that, according to the Joint Monitoring Programme report, an estimated 71 per cent of the global population uses a safely managed drinking water service system, while being deeply concerned, however, that 12 per cent of the global population still lacks even a basic drinking water service,

Deeply concerned that 4.5 billion people lack a safely managed sanitation service, 2.3 billion people still lack even a basic sanitation service and 892 million people worldwide still practise open defecation, which is one of the clearest manifestations of poverty and extreme poverty,

Deeply concerned also about the lack of access to adequate water and sanitation services and its dramatic consequences for the overall health situation in humanitarian crises, including in times of conflict and natural disaster, acknowledging that people living in countries affected by conflict, violence and instability are four times as likely to lack basic drinking water and twice as likely to lack basic sanitation as people living in unaffected countries,

Deeply concerned further that women and girls often face, especially in humanitarian crises, including in times of conflict or natural disaster, particular barriers in accessing water and sanitation, and that they shoulder the main burden of collecting household water in many parts of the world, restricting their time for other activities, such as education and leisure, or for earning a livelihood,

Deeply concerned that the lack of access to adequate water and sanitation services, including for menstrual hygiene management, especially in schools, contributes to reinforcing the widespread stigma associated with menstruation, negatively affecting gender equality and women's and girls' enjoyment of human rights, including the right to education and the right to the enjoyment of the highest attainable standard of physical and mental health,

Deeply concerned also that women and girls are particularly at risk and exposed to attacks, sexual and gender-based violence, harassment and other threats to their safety while collecting household water and when accessing sanitation facilities outside their homes or practising open defecation,

Deeply alarmed that water, sanitation and hygiene-related diseases hit children the hardest and that, in humanitarian crises, including in times of conflict or natural disaster, children suffer the most from interruptions in water and sanitation services, and underscoring that progress on reducing child mortality, morbidity and stunting is linked to children's and women's access to safe drinking water and sanitation,

Welcoming the fact that the Joint Monitoring Programme for Water Supply and Sanitation has established an extensive global database and has been instrumental in developing global norms to benchmark progress, while taking into consideration the

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[9] Official Records of the Economic and Social Council, 2003, Supplement No. 2 (E/2003/22), annex IV.

[10] Ibid., 2011, Supplement No. 2 (E/2011/22), annex VI.

[11] World Health Organization/United Nations Children's Fund, *Progress on Drinking Water, Sanitation and Hygiene* (Geneva, 2017).

fact that official figures very often do not fully capture all the dimensions of the human rights to safe drinking water and sanitation,

Deeply concerned that inexistent or inadequate sanitation facilities and serious deficiencies in water management and wastewater treatment can negatively affect water provision and sustainable access to safe drinking water and that, according to the United Nations World Water Development Report 2017, over 80 per cent of the world's wastewater, and over 95 per cent in some of the least developed countries, is released into the environment without treatment,

Affirming the importance of continually improving the availability of high-quality, accessible, timely and reliable disaggregated data on progress related to safe drinking water and sanitation services as an indispensable means for States to plan for, implement and monitor the progressive realization of the human rights to safe drinking water and sanitation for all,

Stressing the importance of monitoring and reporting on the implementation of the internationally agreed Sustainable Development Goals and targets, including the Goal on ensuring the availability and sustainable management of water and sanitation for all,

Recognizing that, in progressively realizing the human rights to safe drinking water and sanitation, as well as other human rights, States should increasingly pursue integrated approaches and strengthen their water resource management, including by improving wastewater treatment and by preventing and reducing surface and groundwater pollution,

Emphasizing that national legislation and policies are crucial to the progressive realization of the human rights to safe drinking water and sanitation,

Affirming the importance of regional and international technical cooperation, where appropriate, as a means to promote the progressive realization of the human rights to safe drinking water and sanitation, without any prejudice to questions of international water law, including international watercourse law,

Reaffirming the responsibility of States to ensure the promotion and protection of all human rights, which are universal, indivisible, interdependent and interrelated, and must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

Recalling that the human rights to safe drinking water and sanitation are derived from the right to an adequate standard of living and are inextricably related to the right to the highest attainable standard of physical and mental health, as well as to the right to life and human dignity,

Expressing concern that climate change has contributed and continues to contribute to the increased frequency and intensity of both sudden-onset natural disasters and slow-onset events, and that these events have adverse effects on the full enjoyment of all human rights, including the human rights to safe drinking water and sanitation,

1. *Reaffirms* that the human rights to safe drinking water and sanitation, as components of the right to an adequate standard of living, are essential for the full enjoyment of the right to life and all human rights;

2. *Recognizes* that the human right to safe drinking water entitles everyone, without discrimination, to have access to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use, and that the human right to sanitation entitles everyone, without discrimination, to have physical and affordable access to sanitation, in all spheres of life, that is safe, hygienic, secure,

socially and culturally acceptable and that provides privacy and ensures dignity, while reaffirming that both rights are components of the right to an adequate standard of living;

3. *Welcomes* the work of the Special Rapporteur of the Human Rights Council on the human rights to safe drinking water and sanitation, and takes note with appreciation of his reports on development cooperation,[12] as well as his report on service regulation and human rights to safe drinking water and sanitation;[13]

4. *Calls upon* States:

(a) To implement the internationally agreed Sustainable Development Goals and targets, including the Goal on ensuring availability and sustainable management of water and sanitation for all, consistent with their obligations under international law;

(b) To ensure the progressive realization of the human rights to safe drinking water and sanitation for all in a non-discriminatory manner while eliminating inequalities in access, including for individuals belonging to groups at risk and to marginalized groups, on the grounds of race, gender, age, disability, ethnicity, culture, religion and national or social origin or on any other grounds;

(c) To continuously monitor and regularly analyse the status of the realization of the human rights to safe drinking water and sanitation;

(d) To identify patterns of failure to respect, protect or fulfil the human rights to safe drinking water and sanitation for all persons without discrimination and to address their structural causes in policymaking and budgeting within a broader framework, while undertaking holistic planning aimed at achieving sustainable universal access, including in instances where the private sector, donors and non-governmental organizations are involved in service provision;

(e) To promote both women's leadership and their full, effective and equal participation in decision-making on water and sanitation management and to ensure that a gender-based approach is adopted in relation to water and sanitation programmes, including measures, inter alia, to reduce the time spent by women and girls in collecting household water, in order to address the negative impact of inadequate water and sanitation services on the access of girls to education and to protect women and girls from being physically threatened or assaulted, including from sexual violence, while collecting household water and when accessing sanitation facilities outside of their home or practising open defecation;

(f) To progressively eliminate open defecation by adopting policies to increase access to sanitation, including for individuals belonging to vulnerable and marginalized groups;

(g) To approach the sanitation issue in a much broader context, taking into account the need to pursue integrated approaches;

(h) To consult and coordinate with local communities and other stakeholders, including civil society and the private sector, on adequate solutions to ensure sustainable access to safe drinking water and sanitation;

(i) To enhance efforts to substantially reduce the share of untreated wastewater released into the environment and to ensure that plans and programmes for improving sanitation services take into account the need for appropriate systems for the treatment of sewage produced, including disposal of infant faeces, with the

[12] A/71/302 and A/72/127.

[13] A/HRC/36/45.

aim of reducing the risks to human health, drinking water resources and the environment;

(j) To provide for effective accountability mechanisms for all water and sanitation service providers, including private sector providers, to ensure that they respect human rights and do not cause or contribute to human rights violations or abuses;

5. *Calls upon* non-State actors, including business enterprises, both transnational and others, to comply with their responsibility to respect human rights, including the human rights to safe drinking water and sanitation, including by cooperating with State investigations into allegations of abuses of the human rights to safe drinking water and sanitation, and by progressively engaging with States to detect and remedy abuses of the human rights to safe drinking water and sanitation;

6. *Invites* regional and international organizations to complement efforts by States to progressively realize the human rights to safe drinking water and sanitation;

7. *Calls upon* Member States to enhance global partnerships for sustainable development as a means to achieve and sustain the Goals and the targets of the 2030 Agenda for Sustainable Development,[14] and highlights that the 2030 Agenda marks a paradigm shift towards a more balanced and integrated plan of action for achieving sustainable development that reflects the indivisibility and interdependence of all human rights;

8. *Reaffirms* that the high-level political forum on sustainable development, under the auspices of the General Assembly and the Economic and Social Council, has the central role in overseeing follow-up and review at the global level, and encourages Member States to share their experiences and best practices with regard to the Goals under review during the 2018 high-level political forum, including the Goal of ensuring availability and sustainable management of water and sanitation for all;

9. *Also reaffirms* that States have the primary responsibility to ensure the full realization of all human rights and to endeavour to take steps, individually and through international assistance and cooperation, especially economic and technical cooperation, to the maximum of their available resources, with a view to progressively achieving the full realization of the rights to safe drinking water and sanitation by all appropriate means, including, in particular, the adoption of legislative measures;

10. *Stresses* the important role of the international cooperation and technical assistance provided by States, specialized agencies of the United Nations system and international and development partners, as well as by donor agencies, and urges development partners to adopt a human rights-based approach when designing and implementing development programmes in support of national initiatives and plans of action related to the rights to safe drinking water and sanitation;

11. *Decides* to continue its consideration of the question at its seventy-fourth session.

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[14] Resolution 70/1.